



CCSW Priority Legislation — Year 2003

Final Report

October 31, 2003

The Legislature adjourned on September 12 for Interim Study Recess and will reconvene on January 5, 2004. This first year of the 2003/2004 legislative session was again dominated by the state budget deficit and how best to resolve California's fiscal crisis. California's first-ever recall election on October 7 means we are preparing to work with a new administration in the coming year on policy changes that impact California women and their families. It is clear that budget issues will again present major challenges to both fiscal and social policy development in the State Legislature during 2004. Preserving programs that serve women and children and meet the needs of the underserved will continue to be of major concern to the Commission.

Addressing issues of the **Underserved** and ensuring **Economic Security** for California women and girls continue to be among the Commission's top priorities. Our legislative agenda included **78 support bills**, 49 of which were successful, including 22 Resolutions. Two "support" measures were vetoed, and the remaining 27 are potential two-year bills. The Commission **also opposed 11 bills** that would have negatively impacted reproductive freedom, paid family leave, equal opportunity in athletics, and the establishment of paternity. None of these measures reached the Governor's desk, however, we expect that one or more will be reactivated or reintroduced next year.

Session highlights included the enactment of **SB 2** by Senators John Burton and Jackie Speier extending **health care coverage** to more than **one million uninsured** workers and their families, and **AB 833** by Assemblyman Darrell Steinberg protecting **equal athletic opportunities** for women and girls in California.

SB 71 by Senator Shelia Kuehl will give California schools clearer guidelines regarding **sexual health and HIV/AIDS prevention instruction** by consolidating existing provisions of the state Education Code. This new law will help ensure that such instruction is comprehensive, medically accurate, and free of bias.

Under the provisions of **AB 205** by Assemblywoman Jackie Goldberg, **registered domestic partners** will receive many of the same legal rights and responsibilities as married couples in California.

The enactment of **AB 996** by Assemblywoman Patricia Wiggins will protect **reproductive health care facilities** against cancellation of, or refusal to renew, their property insurance on the sole basis that they have had to file a claim as a result of an anti-reproductive rights hate crime.

Other important new laws included in the “enacted” list below address access to health care; reproductive freedom; paid family leave; victims of domestic violence, sexual assault, and sexual harassment; elder abuse; low-income workers; and economic security for custodial parents and their children.

ENACTED

Child and Other Dependent Care

AB 634 (Steinberg/Simitian) prohibits secrecy agreements in cases alleging a violation of the Elder Abuse and Dependent Adult Civil Protection Act.

Economic Security

AB 231 (Steinberg/Lieber) exempts motor vehicles from being considered in the pool of resources when determining income eligibility for food stamps under CalWORKs benefits.

SB 727 (Kuehl) clarifies and amends existing provisions of the Family Temporary Disability Insurance Program to improve the transition from pregnancy leave to paid family leave and help employees manage their own or a family member’s chronic illness.

Education

AB 833 (Steinberg) establishes standards for assessing how well California educational institutions are meeting the needs of both sexes in athletics, and places in California law the three-prong test established under federal Title IX as it applies to athletics.

SB 71 (Kuehl) consolidates various provisions of the Education Code by establishing the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act.

Employment

AB 76 (Corbett) amends the Fair Employment & Housing Act (FEHA) to protect employees from harassment by a client or customer. Currently, an employer who fails to take corrective action to prevent further harassment of an employee is liable only if another employee is perpetrating the harassment.

AB 196 (Leno) includes gender stereotyping as a prohibited form of sex discrimination under the Fair Employment and Housing Act. This would protect all individuals from discriminatory treatment, including those whose identity, appearance, or behavior does not conform to stereotypical gender expectations.

Equality

AB 17 (Kehoe) prohibits state agencies from contracting with companies who do not offer benefits to employees with domestic partners that are equal to benefits provided to employees with spouses.

AB 205 (Goldberg) enacts the California Domestic Partner Rights and Responsibilities Act of 2003, granting registered domestic partners nearly all of the state rights, benefits, and responsibilities currently granted only to married spouses.

Family Law

SB 156 (Burton) states the intention of the Legislature to affirm the decision In re Marriage of Burgess (1966) 13 Cal.4th 25 and declares that ruling to be the public policy and law of this State. The Burgess decision provides that when a judicial custody order is in place, a custodial parent seeking to relocate does not have to show why it is necessary to do so.

SB 265 (Kuehl) revises and clarifies existing law to ensure that the preference for frequent and continuing contact with both parents is not used to allow the award of custody to a perpetrator of domestic violence.

Health Care Access

SB 2 (Burton/Speier) requires employers who do not provide basic health care coverage for their employees to pay into a state fund that will purchase health insurance for their employees. These provisions go into effect in 2006 for large employers and in 2007 for employers who employ 50 or more people.

SB 24 (Figueroa) simplifies Medi-Cal enrollment procedures for pregnant women and infants to ensure health care coverage for eligible recipients.

SB 139 (Brulte) revises the abandoned newborns "Safe Haven Law" to allow babies to be safely surrendered within 72 hours of birth to any "safe-surrender" site designated by the County Board of Supervisors, or any location within a public or private hospital designated by that hospital.

SB 771 (Ortiz) requires the Department of Health Services to establish and administer a stem cell research program which will serve as a repository of embryos donated for research.

SB 853 (Escutia) requires the Department of Managed Health Care to develop standards for access to qualified health care interpreters for persons with limited English proficiency and requirements for informing enrollees of the ability to access interpreters.

Reproductive Health

AB 561 (Lieber/Chu) establishes teen pregnancy prevention programs on a continuing basis in California statute without mandating funding. Programs include the TeenSMART; Male Involvement Program (MIP); Community Challenge Grants (CCG); and the Information and Education (I&E) Programs within the Office of Family Planning.

AB 663 (Lieber) prohibits physicians, surgeons, and medical students from performing pelvic exams on anesthetized or unconscious patients unless the patient has provided informed consent, the exam is within the specified scope of care, or, in cases where the patient is unconscious, the exam is required for diagnostic purposes.

AB 996 (Wiggins) prohibits insurers from canceling or refusing to renew a property insurance policy due to claims arising from anti-reproductive rights hate crimes. Also prohibits insurers from imposing excessive or unfairly discriminatory premiums because the facility has been the victim of a hate crime.

SB 490 (Alpert) expands existing law regarding Emergency Contraception (EC) to also authorize a pharmacist to furnish EC drug therapy according to a standardized procedure or protocol approved by both the State Board of Pharmacy and the Medical Board of California. Also requires a pharmacist to complete a specified training program before dispensing emergency contraception drug therapy.

SB 545 (Speier) prohibits a pharmacist from charging a separate consultation fee for the initiation of emergency contraception (EC) drug therapy, but authorizes an administrative fee not to exceed \$10 above the retail cost of the drug. Also limits the information a pharmacist may require a woman to provide before receiving the medication and revises training requirements for pharmacists in order to dispense EC.

SB 932 (Bowen) prohibits the State Attorney General from consenting to a health facility agreement or transaction that would place restrictions on the type or level of medical services that may be provided by the facility.

Violence

AB 184 (Lowenthal) allows program participants (victims of domestic violence and stalking) in the Secretary of State's Safe At Home Program to have their registration or driver's license record suppressed from other individuals.

AB 898 (Chu) establishes the "Sexual Assault Victims' DNA Bill of Rights" and requires a law enforcement agency investigating a felony sex offense, upon request of the victim, to promptly inform the victim of the status of the DNA testing of the rape kit evidence.

AB 1488 (Bates) requires any person arrested for violating a domestic violence protective order who has made threats to kill, has engaged in violence or has gone to the workplace or residence of the protected victim to appear in open court for a hearing before being released, either on their own recognizance or on reduced bail.

SB 378 (Morrow) requires the Department of Motor Vehicles to provide a new set of license plates to victims of stalking who provide information showing they are the registered owner of the vehicle, show documentation of their victimization, and pay a standard fee for duplicate plates.

Women in Prison

SB 784 (Karnette) extends until January 2010 existing provisions that give women convicted of killing their abuser prior to 1992 the right to file a petition based on the fact that the omission of expert testimony on “battered women’s syndrome” during their trial prejudiced the final outcome of their case. This extension will give those inmates who already qualify enough time to file the petition and pursue this legal course of action.

VETOED

AB 1219 (Montañez) would have established the Robert E. Burton Correctional Education Board within the Department of Corrections to provide every inmate who has a reasonable expectation of release with the opportunity to achieve a specified level of functional literacy and education.

AB 1715 (Assembly Judiciary Committee) would have prohibited employers from requiring employees to waive any rights or procedures under the Fair Employment and Housing Act (FEHA) as a condition of employment. Specifically makes pre-dispute mandatory arbitration agreements involving FEHA claims unlawful.

RESOLUTIONS ADOPTED

ACR 6 (Cohn) Domestic Violence Awareness Month
ACR 11 (Cohn) Health Cares About Domestic Violence Day
ACR 13 (Jackson) Girls and Women in Sports Week
ACR 15 (Frommer) Colorectal Cancer Awareness Month
ACR 28 (Garcia) Elder Abuse Prevention Month
ACR 43 (Montañez/Wolk) Girl Scouts
ACR 48 (Runner) Endometriosis Awareness Month
ACR 51 (Koretz) Postpartum Mood and Anxiety Disorder Awareness Month
ACR 64 (Jackson) Sexual Awareness Month
ACR 79 (Lieber) Equal Pay Day
ACR 125 (Nation/Garcia) Breast Cancer Awareness Month
AJR 2 (Jackson/Chan) Reproductive rights: Roe v. Wade
AJR 12 (Chan) Head Start Program
AJR 30 (Liu) Japanese American World War II Internment
AJR 48 (Liu/Jackson) Women’s Equality Day

SCR 8 (Battin) Child Abuse Prevention Month
SCR 12 (Alarcón) Master Plan to End Poverty in California

SCR 13 (Figueroa) Women's History Month
SCR 37 (Vincent) Juneteenth: June 19
SJR 3 (Alarcón/Romero) Temporary Assistance for Needy Families (TANF)
SJR 10 (Soto) Medicare Prescription and Drug Coverage
SR 26 (Ortiz) Ovarian Cancer Awareness Month

POTENTIAL TWO-YEAR BILLS

The following priority bills were not approved by the Legislature this year, but could be reactivated in January 2004 if the author chooses. Unless otherwise noted, the Commission supports these measures.

AB 62 (Bermúdez) Special License Plates: Martin Luther King, Jr. & Caesar Chavez
AB 145 (Lowenthal) Probation Officers Training: Domestic Violence
AB 154 (Chan) Health & Managed Care Plans: Cultural and Linguistic Services
AB 178 (Oropeza) Women's Reproductive Health & Responsibility Act
AB 232 (Chan) Hospitals: Self-pay Policies and Charity Care
AB 252 (Jackson) Paternity Judgments
AB 367 (Koretz) Postpartum Mood and Anxiety Disorder Information Program
AB 438 (Lieber) Health Care Coverage: Osteoporosis
AB 618 (Levine) Special License Plates: Collegiate & Professional Sports Teams
AB 656 (Corbett) Child Support Collection
AB 818 (Jackson) Domestic Violence Task Force
AB 1006 (Chu) The Healthy Schools Act of 2003
AB 1163 (Frommer) Medi-Cal and Healthy Families Program: transition coverage
AB 1229 (Simitian) Sexual Harassment
AB 1342 (Jackson) Discrimination: State Policies & Programs
AB 1530 (Negrete McLeod) Prisoners: Community Treatment Programs
ACR 96 (Shirley Horton) Komen National Race for the Cure
ACR 103 (Garcia) Breast Cancer Awareness

SB 57 (Burton/ Alarcón) Minimum Wage
SB 193 (Murray) *Postsecondary Education: Student Athletes' Bill of Rights -- Opposed*
SB 301 (Alarcón) Commission on Latino/Latina Affairs
SB 339 (Alpert) Private Child Support Collectors
SB 379 (Ortiz) Hospitals: Charity Care and Reduced Payment Options
SB 664 (Kuehl) TANF: Domestic Violence
SB 734 (Ortiz) Child Custody & Visitation
SB 797 (Machado) Osteoporosis Screening
SB 921 (Kuehl) Universal Health Care Coverage
SB 1030 (Ashburn) *Paternity Testing -- Opposed*
SJR 15 (Alarcón) Federal Poverty Level

You can access bill history, committee analyses, and voting records for any of the bills in this report by visiting www.leginfo.ca.gov. If you have any questions or would like more information about the Commission, please contact Vicki Atwood, the Commission's Legislative Coordinator, at 916-322-9462, or email her at vatwood@women.ca.gov.